IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPL. NO. 5286 OF 2004.
IN
CRIMINAL APPEAL NO. 1408 OF 2004.

Manjula Govind Shetye
& Ano. ..Applicants.

VERSUS.

The State of Maharashtra. ..Respondent.

...

Mr. P.P.Hudlikar for the applicants.

Mr. B.R.Patil, APP for the State.

CORAM: S. B. MHASE &
ANOOP V. MOHTA, JJ.

DATE : DECEMBER 6, 2004.

P.C.:-

1. Heard learned counsel appearing on behalf of the applicant and Mr.B.R.Patil, learned APP for the state. This is bail application. The applicants, sister-in-law and mother-in-law have been convicted for committing murder of the daughter-in-law, namely, Vidya by pouring kerosene. There are two dying declarations on record. One is given to the PSI who has recorded the FIR on the basis of it and other one was given to the Executive Magistrate. Both these dying declarations are consistent and the trial court has found them to be reliable. The third dying declaration was given to Prakash who is the

husband of the deceased. However, he was declared hostile. That is bound to be in the facts and circumstances of the case, because the accused persons are mother and sister of said Prakash. However, the independent dying declarations are prima facie sufficient to convict the accused.

2. Learned counsel appearing on behalf of the applicants further submitted that the accused were on bail during the bail. However, that sympathy was shown to them because they are ladies. However, now guilt is proved. Therefore, we are not inclined to grant bail. In the result, application for bail is rejected and disposed of as such.

(ANOOP V.MOHTA, J.) **(S.B.MHASE,J.)**